ORIGINAL

Sarah Silbert (California State Bar No. 198594)
FULBRIGHT & JAWORSKI L.L.P.
555 South Flower Street
Forty-First Floor
Los Angeles, California 90071
Telephone: (213) 892-9200
Facsimile: (213) 892-9494
Email: ssilbert@fulbright.com

Richard Groos (*pro hac vice* motion to be filed)
C. Ashley Callahan (*pro hac vice* motion to be filed)
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue
Suite 2400
Austin, TX 78701-2978
Telephone: (512) 474-5201
Facsimile: (512) 536-4598
Email: rgroos@fulbright.com
acallahan@fulbright.com

Attorneys for Plaintiff
MISS WORLD LIMITED

FILED
08 APR 17 PM 4:14
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

'08 CV 0712 LAB NLS

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

FAXED

MISS WORLD LIMITED, a foreign company, Plaintiff, v. PHOENIX PYRE PRODUCTIONS, a general proprietorship, and EFFIE HORNING, an individual, Defendant.	Civil Action No. **COMPLAINT FOR TRADEMARK INFRINGEMENT; TRADEMARK DILUTION; VIOLATION OF ANTICYBERSQUATTING CONSUMER PROTECTION ACT; UNFAIR COMPETITION; AND UNJUST ENRICHMENT**

1. Miss World Limited, the owner of the name and mark MISS WORLD, appearing through the undersigned counsel, files this complaint against Phoenix Pyre Productions and Effie Horning (collectively "Defendants") on the basis of their past and present usage of the name and mark "Ms. World" along with other confusingly similar variations. Plaintiff alleges as follows:

JURISDICTION AND VENUE

2. This is an action for trademark infringement, dilution, unfair competition, and unjust enrichment under the Trademark Act of 1946, as amended, 15 U.S.C. § 1051 *et seq.* ("Lanham Act") and the laws of the State of California. Accordingly, this Court has subject matter jurisdiction over this action under Section 39 of the Lanham Act, 15 U.S.C. § 1121, and Title 28 of the United States Code, §§ 1331 and 1338, and supplemental jurisdiction over state law claims under 28 U.S.C. § 1367(a).

3. Additionally, the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and is between citizens of this state and the citizen of a foreign state. This Court therefore also has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

4. This Court has personal jurisdiction over the Defendants because they are residents of California, have continuing contacts with California, are amenable to service in California, and committed the acts giving rise to Plaintiff's causes of action in California. The exercise of personal jurisdiction over Defendants by this Court is proper under the Due Process Clause of the U.S. Constitution, and all other applicable laws.

5. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the acts and omissions giving rise to this suit took place in this district and division.

PARTIES

6. Miss World Limited is a foreign company incorporated under the laws of Jersey, Channel Islands, United Kingdom, and having a place of business at 31 Pier Road, St. Helier, Jersey, Channel Islands, United Kingdom.

7. On information and belief, Defendant Phoenix Pyre Productions is a general proprietorship owned by Defendant Effie Horning and having its principal place of business located within the Southern District of California.

8. On information and belief, Defendant Effie Horning is an individual residing at 3888 Cameo Drive, Oceanside, California 92056.

FACTS GIVING RISE TO THIS ACTION

A. Miss World Limited and the MISS WORLD Mark

9. Miss World Limited is a premier international pageant provider and is the owner of the name and mark MISS WORLD for beauty competitions and for goods and services related thereto (the "MISS WORLD Mark").

10. Since at least as early as 1951, Miss World Limited, through its predecessors (collectively "Miss World"), has conducted, promoted, and produced the MISS WORLD beauty pageant and competition which is a global event with participants from as many as 107 countries.

11. In addition to conducting and promoting its pageants, Miss World also uses its MISS WORLD mark in connection with its philanthropic efforts and has raised large amounts of money for various organizations and causes throughout the world.

12. Miss World's MISS WORLD pageant has been held in numerous countries around the world, including in the United States, and is televised in the United States

13. In addition to its common law rights, Miss World owns United States Trademark Registration No. 877,221, registered September 16, 1969, for MISS WORLD for "entertainment services-namely, conducting of beauty competitions" in International Class 41 (The "MISS WORLD Registration"). The MISS WORLD Registration is valid and subsisting, and is incontestable under 15 U.S.C. § 1065. A copy of the certificate of registration for this registration is attached as Exhibit A.

14. Miss World uses its MISS WORLD Mark extensively in various media formats, including on the Internet, to promote its MISS WORLD beauty pageant, and is the owner of the domain "missworld.com."

15. Miss World's MISS WORLD Mark is recognized and relied upon by the public in California and throughout the United States to identify the MISS WORLD pageant and philanthropic efforts and to distinguish these services from those of others.

16. As a result of Miss World's continuous usage and promotion of the MISS WORLD Mark, Miss World has acquired strong common-law rights along with great and

valuable goodwill in the MISS WORLD Mark. As a result, the MISS WORLD Mark has become well-known and famous in the United States and internationally.

B. Defendants' Unauthorized Activities

17. Defendants produce and promote beauty pageants and related modeling contests under various names and marks, including "Ms. World," "Teen Ms. World," and other similar variations (collectively, the "Infringing Marks").

18. Defendants' "Ms. World" pageant is scheduled to be held in Temecula, California on August 21, 2008 through August 22, 2008.

19. Defendants' "Teen Ms. World" pageant is a separate, but affiliated, pageant aimed at attracting teenage girls to compete for the title "Teen Ms. World." The "Teen Ms. World" pageant is scheduled to take place in the summer of 2008 in the "Great North West."

20. On or about November 24, 2006, Defendant Horning registered or caused to be registered the domain "msworld.biz." At the time of the registration of the "msworld.biz" domain, Miss World's MISS WORLD mark was distinctive and famous. Defendants use the Infringing Marks to promote their competing pageants through the domain "msworld.biz." A Printout of the homepages from Defendants' domain is attached as Exhibit B.

21. In April 2000, Defendant Effie Horning filed U.S. application Serial No. 78/004,268 to register the mark MS. U.S. & MS. WORLD INTERNATIONAL BEAUTY for "Entertainment in the nature of beauty pageants and scholarship competitions." Miss World opposed this application and was granted a default judgment by the Trademark Trial and Appeal Board against Defendant Horning ordering that this application be refused. Defendant Horning filed no appeal and this application is now abandoned.

22. More recently, despite her knowledge of Miss World's trademark rights, Defendant Effie Horning filed two separate applications to register the mark MS. WORLD with the United States Patent and Trademark Office. Specifically, Defendant Horning filed U.S. Applications Serial Nos. 78/564,133 and 77/075,449 to register the mark "MS. WORLD" for "Entertainment in the nature of beauty pageants, beauty pageant awards shows, spokesmodel

talent competitions, and fashion shows" and "Charitable Fund Raising Services" respectively. Printouts from the U.S. TARR database are attached as Exhibit C.

23. Miss World has written Defendant Effie Horning multiple times to inform her of Miss World's trademark rights, and to demand that Defendants stop her use of the Infringing Marks. However, Defendant Horning has simply ignored Miss World's demands.

24. There is no issue as to priority. Miss World's first use of its MISS WORLD Mark long precedes any date upon which Defendants may rely to claim rights in the Infringing Marks.

25. Further, Defendants' unauthorized use of the Infringing Marks began long after the MISS WORLD Mark became famous.

C. Effect of Defendants' Activities on Miss World and the Public

26. Defendants' unauthorized use of the Infringing Marks in the manner described herein is likely to cause confusion, to cause mistake, and to deceive consumers and potential consumers as to the affiliation, connection, sponsorship or association of Defendants with Miss World, or as to the origin, affiliation, sponsorship, or approval of Defendants' services by Miss World.

27. Defendants' unauthorized use of the Infringing Marks falsely indicates to the public that Defendants, their business, and their services are affiliated, connected, or associated with Miss World, or are sponsored, endorsed, or approved by Miss World, or are in some manner related to Miss World or its or services.

28. Defendants' unauthorized use of the Infringing Marks causes or is likely to cause dilution of the distinctive quality of the MISS WORLD Mark.

29. Defendants' unauthorized use of the Infringing Marks enables Defendants to trade on and receive the benefit and goodwill of the reputation of the MISS WORLD Mark, and to gain acceptance for Defendants' services not solely on Defendants' own merits.

30. Defendants' unauthorized use of the Infringing Marks impairs Miss World's ability to control the nature and quality of the services associated with its MISS WORLD Mark, and subjects the valuable reputation and goodwill of the MISS WORLD Mark to the actions of Defendants.

31. In addition, should Defendant Horning's pending applications mature to registration, Miss World will be damaged because the mark "MS. WORLD" is confusingly similar to and dilutive of Miss World's MISS WORLD Mark and would purport to give Defendant Horning at least *prima facie* evidence of the exclusive right to use the "MS. WORLD" which is inconsistent with Miss World's prior rights.

32. As a result of Defendants' unauthorized use of the Infringing Marks, Defendants are being unjustly enriched at Miss World's expense.

33. Unless these acts of infringement, unfair competition, and unfair and deceptive practices by Defendants are enjoined by this Court, these acts will continue, and will continue to cause irreparable injury to Miss World and to the public, for which there is no adequate remedy at law.

34. Finally, Defendants' activities complained of herein have been malicious, fraudulent, deliberate, willful, intentional, and in bad faith, with full knowledge and conscious disregard of Miss World's rights. In view of the egregious nature of Defendants' actions, this is an exceptional case within the meaning of Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a).

COUNT I: FEDERAL TRADEMARK INFRINGEMENT

35. Miss World repeats the above allegations as if fully set forth herein.

36. The acts of Defendants complained of herein constitute infringement of the MISS WORLD Mark, Registration No. 877,221, in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

COUNT II: FEDERAL UNFAIR COMPETITION

37. Miss World repeats the above allegations as if fully set forth herein.

38. The acts of Defendants complained of herein constitute unfair competition in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

COUNT III: FEDERAL TRADEMARK DILUTION

39. Miss World repeats the above allegations as if fully set forth herein.

40. The acts of Defendants complained of herein constitute dilution of the MISS WORLD Mark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

COUNT IV: VIOLATION OF ANTICYBERSQUATTING CONSUMER PROTECTION ACT

41. Miss World repeats the above allegations as if fully set forth herein.

42. The acts of Defendants complained of herein constitute the registration, trafficking in and/or use of a domain name that is identical or confusingly similar to or dilutive of Miss World's MISS WORLD Mark, with a bad faith intent to profit from the mark in violation of the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d).

COUNT V: CALIFORNIA TRADEMARK DILUTION

43. Miss World repeats the above allegations as if fully set forth herein.

44. The acts of Defendants complained of herein are likely to injure the business reputation of Miss World and/or dilute the distinctive quality of Miss World's MISS WORLD Mark in violation of Cal. Bus. & Prof. Code § 14330 *et seq.*

COUNT VI: CALIFORNIA UNFAIR COMPETITION

45. Miss World repeats the above allegations as if fully set forth herein.

46. The acts of Defendants complained of herein constitute unfair competition in violation of Cal. Bus. & Prof. Code §§ 17200 *et seq.*

COUNT VII: UNJUST ENRICHMENT

47. Miss World repeats the above allegations as if fully set forth herein.

48. Defendants have benefited at Miss World's expense from Defendants' wrongful acts and have accepted and retained said benefit in circumstances that would make it inequitable for them to retain said benefits without paying the value thereof.

49. The act of Defendants complained of herein constitute unjust enrichment of Defendants at Miss World's expense in violation of the common law of the State of California.

COUNT VIII: REFUSAL OF U.S. APPLICATION

50. Miss World repeats the above allegations as if fully set forth herein.

51. Miss World believes that it will be damaged by the registration of U.S. Applications Serial Nos. 78/564,133 and 77/075,449 for "MS. WORLD" as this mark is confusingly similar to and dilutive of Miss World's registered MISS WORLD mark.

52. Registration of these applications should therefore be refused pursuant to 15 U.S.C. § 1052(d) and 15 U.S.C. § 1125(c).

COUNT IX: APPLICATION FOR PRELIMINARY AND PERMANENT INJUNCTION

53. Plaintiff repeats the allegations above as if fully set forth herein.

54. Defendants have damaged Plaintiff, and are continuing to damage Plaintiff, by the illegal acts complained of herein. Unless Defendants are restrained by this Court, Defendants will cause irreparable injury to Plaintiff for which there is no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Miss World prays for judgment as follows:

1. That Defendants and their officers and directors, agents, servants, employees, attorneys, successors, heirs, and assigns, related companies, and all those acting in concert with or on behalf of Defendants, be preliminarily and permanently enjoined and restrained from:

(a) using the names and marks "Ms. World" and "Teen Ms. World" in any manner whatsoever, specifically including in connection with any pageant, modeling, philanthropic, and/or beauty-related contests or services;

(b) using any trademark, service mark, trade name, domain name, advertising, internet web page, signage, or other materials that depict, comprise, contain, or consist of any mark, name, or other indicia that is identical to, phonetically similar to, or includes the terms "miss" and "world," or any other mark or name that is likely to cause confusion with, or which is likely to dilute the distinctive quality of, Miss World's MISS WORLD Marks, including any formatives thereof incorporating other words, ethnic designations, geographic designations, age designations, or other phonetic or foreign language equivalents of the MISS WORLD Mark, or any marks, names, or domain names that are equivalent to the MISS WORLD Mark in meaning, regardless of language;

(c) promoting, advertising, holding, or otherwise continuing in any way with the planned "Ms. World" event currently scheduled to take place in Temecula, California;

(d) promoting, advertising, holding, or otherwise continuing in any way with the planned "Teen Ms. World" event currently scheduled to take place in the Summer of 2008.

(e) otherwise competing unfairly with Miss World in any manner, including, without limitation, (i) unlawfully adopting and/or infringing upon the MISS WORLD Mark, (ii) adopting or using any trademark, trade name, service mark, advertising, or signage similar to the MISS WORLD Mark, and/or (iii) adopting or using any trade name, trademark, service mark, advertising, or signage likely to dilute the distinctive quality of the MISS WORLD Mark;

(f) committing any other acts or making any statements calculated, or the reasonably foreseeable consequence of which would be, to infringe, dilute, or tarnish any of Miss World's trademark rights, or to confuse, mislead, or deceive consumers as to sponsorship, approval or affiliation of Miss World by, with, or of Defendants, or to otherwise disparage the MISS WORLD Mark; and

(g) conspiring with, aiding, assisting, or abetting any other person or entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (f), above;

2. That the Defendants, their officers directors, agents, servants, employees, attorneys, successors, heirs, assigns, related companies, and all those acting in concert with or on behalf of Defendants, be required to deliver to the Court for destruction, or to show proof of said destruction, of any and all displays, signs, circulars, promotional material, advertisements, sales aids, and other matter in the Defendants' possession, custody, or control which bear or depict the Infringing Marks used in connection with the offering of any pageant or beauty-related services, as well as all means of reproducing, counterfeiting, copying, or otherwise imitating Miss World's MISS WORLD Mark;

3. That Defendants be ordered to remove all existing content from the web sites at "msworld.biz," and from any other web site having a domain name that includes the terms "miss" and "world," or that contains infringing content;

4. That Defendants be ordered to transfer to Miss World ownership of the domain name registration for "msworld.biz" and any other domain names owned by Defendants that include the terms "miss" and "world," or their phonetic or foreign language equivalents;

5. That Defendants be prohibited from owning or operating a website at any domain name containing the terms "miss" and "world," or their phonetic or foreign language equivalents.

6. That Defendants be ordered to file with this Court and to serve upon Miss World, within thirty (30) days after the entry and service on Defendants of an injunction, a report in writing and under oath setting forth in detail the manner and form in which the Defendants have complied with the injunction;

7. That Miss World recover all damages it has sustained as a result of Defendants' infringement, dilution, and unfair competition, and that said damages be trebled;

8. That Miss World recover statutory damages, pursuant to 15 U.S.C. § 1117(c);

9. That an equitable accounting be directed to determine Defendants' profits resulting from their infringement and unfair competition, increased as the Court finds just under the circumstances of this case, and that such profits be paid over to Miss World as an equitable remedy;

10. That Miss World recover the costs of this action, its reasonable attorney's fees, and pre-judgment and post-judgment interest;

11. That Defendant Horning be ordered to withdraw and abandon her pending U.S. Applications Serial Nos. 78/564,133 and 77/075,449 and accept judgment in the oppositions against these applications and that this Court order that these applications be denied and abandoned pursuant to the provisions of the Lanham Act and 15 U.S.C. § 1119; and

12. That Miss World recover such other and further relief as this court may deem just and proper.

Dated: April 17, 2008

FULBRIGHT & JAWORSKI L.L.P.

By: [signature]

Sarah Silbert (SBN 198594)
Richard Groos (TX Bar No. 08529100)
pro hac vice motion to be filed
C. Ashley Callahan (TX Bar No. 24027545)
pro hac vice motion to be filed

Attorneys for Plaintiff
MISS WORLD LIMITED

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EXHIBIT A

Int. Cl.: 41

Prior U.S. Cl.: 107

United States Patent and Trademark Office

Reg. No. 877,221
Registered Sep. 16, 1969

10 Year Renewal

Renewal Approved Feb. 20, 1990

SERVICE MARK
PRINCIPAL REGISTER

MISS WORLD

MISS WORLD (JERSEY) LIMITED (UNITED KINGDOM COMPANY)
ORDNANCE HOUSE
31 PIER ROAD
ST. HELIER, JERSEY, CHANNEL ISLANDS, ASSIGNEE BY ASSIGNMENT AND CHANGE OF NAME MECCA LIMITED (GREAT BRITAIN CORPORATION) LONDON SE. 1, ENGLAND

FOR: ENTERTAINMENT SERVICES—NAMELY, CONDUCTING OF BEAUTY COMPETITIONS, IN CLASS 107 (INT. CL. 41).

FIRST USE 7-1-1951; IN COMMERCE 11-1-1951.

SER. NO. 72-295,043, FILED 4-5-1968.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Apr. 3, 1990.

COMMISSIONER OF PATENTS AND TRADEMARKS

EXHIBIT B

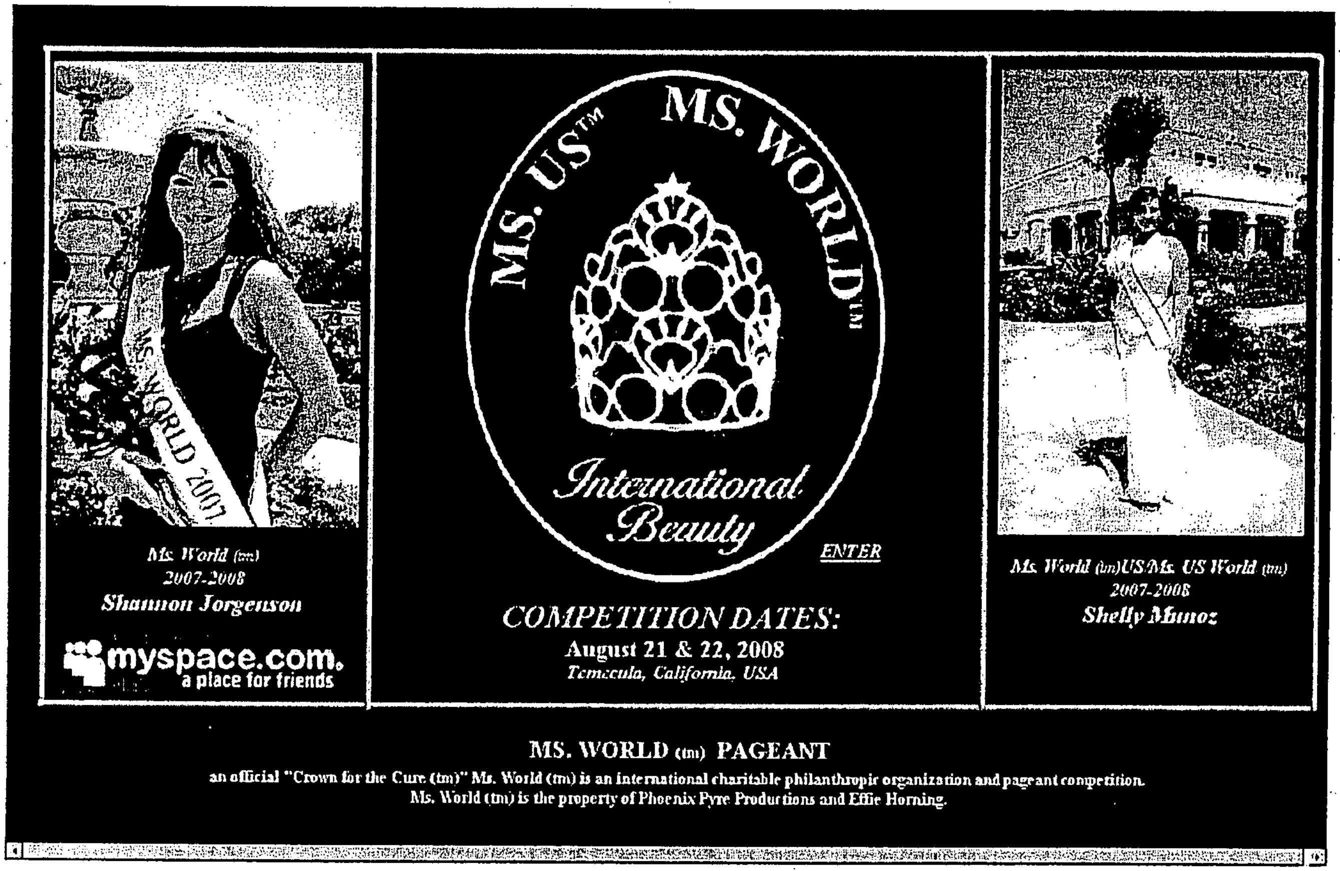
MS. WORLD 2007
Ms. World (tm)
2007-2008
Shannon Jorgenson
myspace.com.
a place for friends
MS. US™ MS. WORLD™
International Beauty
ENTER
COMPETITION DATES:
August 21 & 22, 2008
Temecula, California, USA
Ms. World (tm)US Ms. US World (tm)
2007-2008
Shelly Munoz
MS. WORLD (tm) PAGEANT
an official "Crown for the Cure (tm)" Ms. World (tm) is an international charitable philanthropic organization and pageant competition.
Ms. World (tm) is the property of Phoenix Pyre Productions and Effie Horning.

EXHIBIT C

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-04-17 14:46:06 ET

Serial Number: 78564133 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

Ms. World

(words only): MS. WORLD

Standard Character claim: Yes

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2007-10-03

Filing Date: 2005-02-09

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
MICKLEBURGH LINDA BOHANNON

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-05-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Effie Horning

Address:
Effie Horning
3888 Cameo Dr.
Oceanside, CA 92056
United States
Legal Entity Type: Individual

Country of Citizenship: United States
Phone Number: (760) 630-7063
Fax Number: (760) 630-7063

GOODS AND/OR SERVICES

International Class: 041
Class Status: Active
Entertainment in the nature of beauty pageants, beauty pageant awards shows,spokesmodel talent competitions, and fashion shows
Basis: 1(a)
First Use Date: 1999-04-15
First Use in Commerce Date: 1999-04-15

ADDITIONAL INFORMATION

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-03 - Opposition instituted for Proceeding

2007-06-29 - Extension Of Time To Oppose Received

2007-06-05 - Published for opposition

2007-05-16 - Notice of publication

2007-04-04 - Law Office Publication Review Completed

2007-04-04 - Assigned To LIE

2007-03-13 - Approved for Pub - Principal Register (Initial exam)

2007-02-15 - Jurisdiction Restored To Examining Attorney

2006-12-15 - Ex parte appeal - Instituted

2006-12-15 - EXPARTE APPEAL RECEIVED AT TTAB

2006-06-28 - Final refusal e-mailed

2006-06-28 - Final Refusal Written

2006-05-04 - Amendment From Applicant Entered

2005-10-17 - Communication received from applicant

2005-10-17 - PAPER RECEIVED

2005-09-11 - Non-final action e-mailed

2005-09-11 - Non-Final Action Written

2005-09-07 - Assigned To Examiner

2005-02-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
ERIK M PELTON

Correspondent
ERIK M PELTON
ERIK M PELTON, ATTORNEY AT LAW
PO BOX 100637
ARLINGTON, VA 22210
Phone Number: 703-525-8009
Fax Number: 703-525-8089

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-04-17 14:47:20 ET

Serial Number: 77075449 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

MS. WORLD

(words only): MS. WORLD

Standard Character claim: Yes

Current Status: Final review prior to publication has been completed, application will be published for opposition.

Date of Status: 2008-03-19

Filing Date: 2007-01-03

The Information will be/was published in the Official Gazette on 2008-04-22

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 105

Attorney Assigned:
BUSH KAREN K

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-03-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Horning, Effie

Address:
Horning, Effie
3888 Cameo Drive
Oceanside, CA 92056

Exhibit C
17

United States
Legal Entity Type: Individual
Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 036
Class Status: Active
CHARITABLE FUND RAISING SERVICES
Basis: 1(a)
First Use Date: 1999-04-00
First Use in Commerce Date: 1999-04-00

ADDITIONAL INFORMATION

Disclaimer: "WORLD"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-02 - Notice of publication

2008-02-23 - Withdrawn From Pub - Og Review Query

2008-02-10 - Law Office Publication Review Completed

2008-02-07 - Approved for Pub - Principal Register (Initial exam)

2008-01-28 - Teas/Email Correspondence Entered

2008-01-28 - Communication received from applicant

2008-01-28 - TEAS Request For Reconsideration Received

2008-01-24 - Notification Of Final Refusal Emailed

2008-01-24 - Final refusal e-mailed

2008-01-24 - Final Refusal Written

2008-01-08 - Amendment From Applicant Entered

2008-01-08 - Communication received from applicant

2008-01-07 - PAPER RECEIVED

2007-12-11 - Notification Of Non-Final Action E-Mailed

2007-12-11 - NON-FINAL ACTION E-MAILED

2007-12-11 - Non-Final Action Written

2007-12-06 - Amendment From Applicant Entered

2007-12-06 - Communication received from applicant

2007-12-06 - Assigned To LIE

2007-10-26 - PAPER RECEIVED

2007-04-26 - Non-final action e-mailed

2007-04-26 - Non-Final Action Written

2007-04-23 - Assigned To Examiner

2007-01-08 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Erik M. Pelton

Correspondent
ERIK M. PELTON
PO BOX 100637
ARLINGTON, VA 22210-3637
Phone Number: 703-525-8009
Fax Number: 703-525-8089

JS 44 (Rev. 12/07)

FAXED

FILED

08 APR 17 PM 4:14

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

ORIGINAL

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
MISS WORLD LIMITED, a foreign company

DEFENDANTS
PHOENIX PYRE PRODUCTIONS, a general proprietorship, and EFFIE HORNING, an individual

(b) County of Residence of First Listed Plaintiff: United Kingdom
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant: San Diego
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Sarah Silbert (SBN 198594); Richard Groos (TX Bar No. 08529100)
Fulbright & Jaworski L.L.P. 555 S. Flower St 41st fl. LA, CA 90071

Attorneys (If Known)
'08 CV 0712 LAB NLS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☒ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☒ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
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- ☐ 140 Negotiable Instrument
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- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
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- ☐ 195 Contract Product Liability
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- ☐ 330 Federal Employers' Liability
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PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☒ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC Sec. 1125(a)(c), (d); 15 USC Sec. 1114; 15 USC Sec. 1052(d)
Brief description of cause:
Trademark Infringement, Trademark Dilution; cybersquatting, Unfair Competition

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE: 04/17/2008
SIGNATURE OF ATTORNEY OF RECORD: Sarah Silbert [signature]

FOR OFFICE USE ONLY

RECEIPT # 149930 AMOUNT $350 APPLYING IFP JUDGE MAG. JUDGE

MS 4/17

JS 44 Reverse (Rev. 12/07)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

149930 - MS

April 17, 2008
16:12:31

Civ Fil Non-Pris
USAO #.: 08CV0712-LAB
Judge..: LARRY A BURNS
Amount.: $350.00 MO
Check#.: BC68235

Total-> $350.00

FROM: MISS WORLD LIMITED